

## 2. DESCRIPTION OF TITLE TRANSFER ALTERNATIVE (NEW PROPOSED ACTION)

DOE, in its EA prepared in 1997, analyzed two alternatives: (1) the proposed action for expansion of the leasing program at ETTP, and (2) no action. Two other alternatives, sale of ETTP land and facilities to a non-federal buyer and transfer of ETTP land and facilities to another federal agency, were dismissed from further consideration. At the time that the EA was developed, sale of the land and/or transfer to another agency was not a viable option because DOE had determined that ETTP land and facilities were essential to future opportunities that might include other adaptive reuses or potential missions.

On February 29, 2000, a DOE-issued interim final rule became effective that permits title transfer of facilities for economic development purposes. This rule is found in 10 *CFR* Part 770 and is entitled, “Transfer of Real Property at Defense Nuclear Facilities for Economic Development.” The *Federal Register (FR)* notice of this rule is provided in Appendix A. 10 *CFR* Part 770 establishes a process for disposing unneeded real property at DOE’s defense nuclear facilities for economic development purposes. With the publication of this rule, the rationale in the 1997 EA for elimination of the “sale or title transfer to a non-federal buyer” alternative is no longer valid.

Pursuant to Executive Order (E.O.) 12512 and to a mandate by DOE Headquarters, the Oak Ridge Operations Office is performing utilization surveys for the ORR. The first survey being performed is for the ETTP Area of Responsibility. However, the survey does not include the property lying within the Section 229 security fenced boundaries (i.e., the Federal jurisdictional boundary). The purpose of the survey is to identify those areas of real property which are found to be (1) utilized or needed, (2) underutilized, (3) not being put to optimum use or surplus and (4) not utilized or excess. The findings will be shared with the General Services Administration for concurrence in 2003 and would factor into the decisions made regarding title transfer.

This EA Addendum supplements the EA completed in 1997 by analyzing the proposal to transfer title of land and facilities within ETTP under a modified Reindustrialization approach consistent with the Oak Ridge PMP. This EA Addendum also addresses additional areas that were inadvertently not included in the 1997 EA. These areas as shown in [Fig. 1.1](#) primarily consist of roads, grounds, and other infrastructure that have been leased for maintenance purposes (e.g., mowing) and the operation of utilities. These areas are described in more detail in Sect. 3.1. This proposed action does not differ substantially from the proposed action described in the EA prepared for leasing land and facilities at ETTP. The major difference is that ownership (title) of the property would be transferred to Heritage Center LLC, a subsidiary of CROET. Reindustrialization efforts would focus on transferring title of approximately 26 ETTP facilities and land parcels ([Fig. 2.1](#)). These facilities and land parcels are listed in [Table 2.1](#) by the year of anticipated transfer. The types of buildings to be transferred may include offices, warehouse/storage buildings, former process buildings, utilities (e.g., the water treatment facility, telephone buildings, and the railroad), site support facilities (e.g., the visitor control center and the fire hall), and miscellaneous facilities like the ETTP Visitor Overlook. ETTP land parcels include remediated land parcels as they become available and areas referred to as Parcel ED-4 and Parcel ED-5 (formerly Parcel 4 and Parcel 3, respectively) ([Fig. 2.1](#)). Additional information on the facilities and land parcels is provided in Appendix B. The transferred facilities would still be used for various industrial and business purposes. Industrial uses would be similar to those bounded in the 1997 EA and would be required to conform to the City of Oak Ridge Zoning Ordinance (i.e., Sect. 8.02, IND-2, Industrial Districts and Sect. 8.03, IND-3, Industrial Districts).

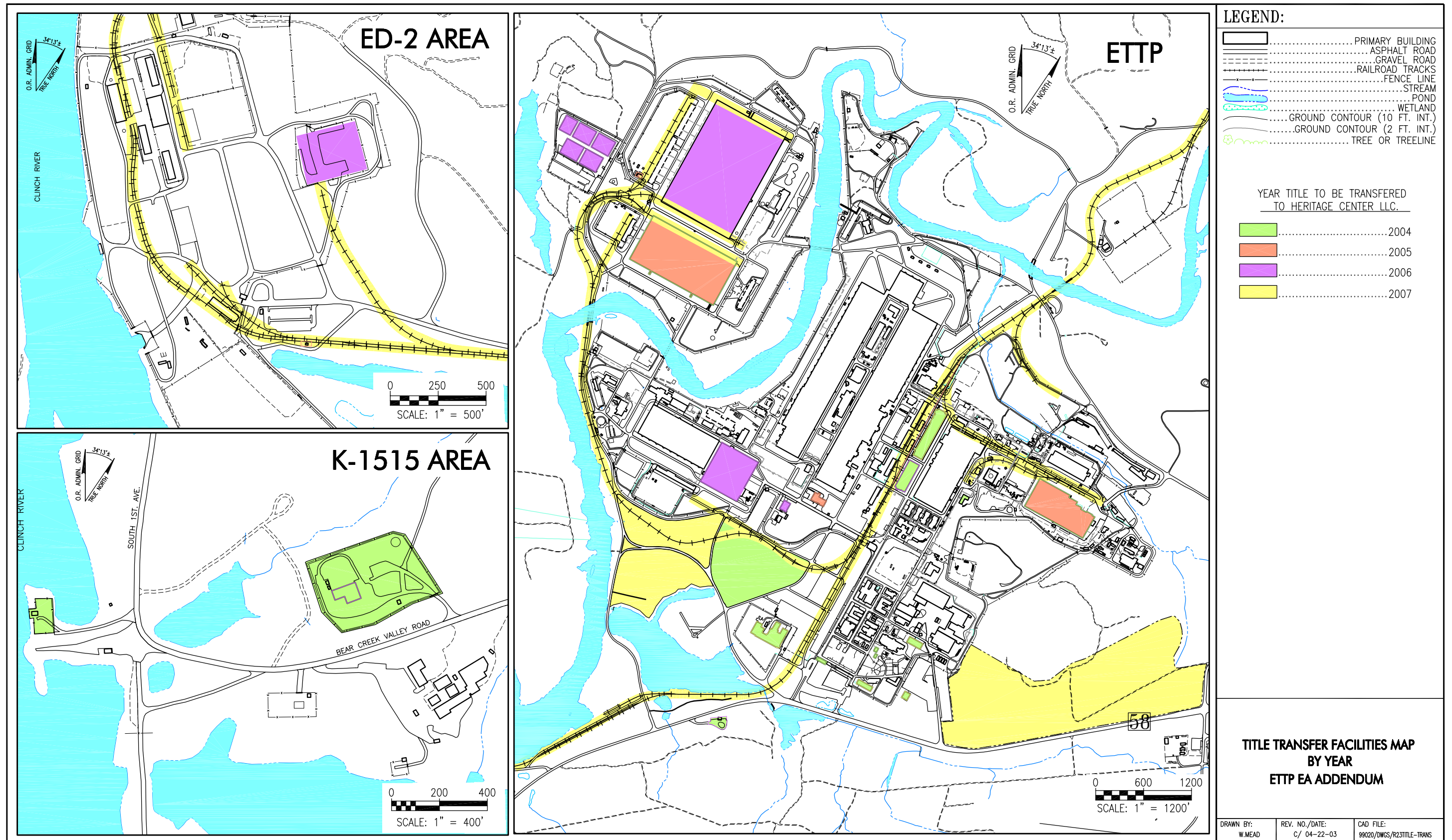


Fig. 2.1. ETTP land and facilities proposed for title transfer.

**Table 2.1. ETPP land and facilities proposed for title transfer**

<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>
K-1007	K-31	K-29	Railroad system
K-1225	K-791-B	K-33	Parcel ED-5 West
K-1330	K-1037	K-1065 group	Parcel ED-4
K-1580	K-1652	K-1650	Remediated land
K-1400		K-708-E	
K-1035		K-709	
K-1036			
K-1547			
K-1000			
K-1039/K-1039-1			
K-1515 group			
Parcel ED-5 East			

ETTP = East Tennessee Technology Park.

FY = Fiscal Year.

The PMP assumes the demolition of all ETPP buildings on an established schedule. If the title to a facility is transferred prior to the scheduled deactivation date, then the facility remains in place. However, if the title is not transferred prior to the scheduled deactivation date, then the facility would enter the decontamination and demolition program. Once the title is transferred, the eventual cost for building demolition would be the responsibility of the new owner instead of DOE. DOE would retain responsibility for addressing any legacy contamination that is discovered. The buildings that would be transferred would be released from radiological restrictions under DOE Order 5400.5.

For purposes of comparison, the no action alternative would be essentially the same as the one in the 1997 EA [i.e., continued environmental restoration, waste management, decontamination and decommissioning, and eventual closure of the site]. However, now this alternative would occur in accordance with the PMP.

DOE has determined that the EA Addendum is the appropriate supplemental documentation for the proposed action to transfer title of ETPP land and facilities for the purpose of economic development. This is because the alternative was introduced in the EA, but not evaluated. The EA Addendum updates information that was used in the 1997 EA and forms a link between that EA and the new proposed action of title transfer. The transfer and the associated documentation would require the Secretary of Energy's approval and would lie before the appropriate congressional defense committees and the Appropriations Committee before the transfer process could be finalized.

Appropriate restrictions would be included in the Quitclaim Deed to provide for environmental protection and to ensure that activities by the new owner(s) do not adversely affect any sensitive resources (i.e., cultural resources). If the new owner or any of its successors, transferees, or assigns fails to abide by the provisions of the Quitclaim Deed, then DOE would be able to seek enforcement in Federal District Court.

Because the ORR is on the National Priorities List, title transfers would comply with the requirements of Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and the Federal Facility Agreement (2003). Under Section 120(h) there are three options. In the first, under 120(h)(4), DOE can make a clean parcel determination. A clean parcel determination must be concurred on by EPA. The second option is to transfer title of facilities where a Record of Decision (ROD) has been signed and cleanup is complete. In this case, DOE-ORO can make an effectiveness determination under Section 120(h)(3)(A). Third, when cleanup has not been completed, title to a facility may be transferred under Section 120(h)(3)(c) or a "covenant deferral,"

allowing for cleanup to be finished after the transfer. Obtaining a covenant deferral requires the concurrence of EPA and the Governor of Tennessee. If a covenant deferral is used when transferring any of the 26 ETTP facilities or land parcels, cleanup must be completed by the time the site is closed. That is, cleanup cannot be extended beyond the schedule in the PMP.

To meet the applicable requirements set forth in CERCLA Section 120(h) an Environmental Baseline Survey (EBS) would be prepared. The EBS would include information on prior property ownership and past and present property use, as well as past and present activities on adjacent properties. Depending upon the review of historic records, environmental sampling may be conducted. Radiological surveys, consistent with the Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM) protocols, would also be conducted. The resultant data would be used in the EBS, as well as in a risk analysis. These documents provide the environmental risk management basis for DOE's title transfer decision-making, notwithstanding the policy-level decision-making that is achieved via the NEPA process.